



TOWN OF LOOMIS
ACTION MINUTES
REGULAR MEETING OF
LOOMIS TOWN COUNCIL
LOOMIS DEPOT
5775 HORSESHOE BAR ROAD
LOOMIS, CA 95650

WEDNESDAY

NOVEMBER 12, 2008

7:00 P.M.

CLOSED SESSION – Pursuant to cited authority, the Town Council will hold a closed session to discuss the following listed items. A report of any action taken will be presented prior to adjournment of the regular meeting.

- a. **CONFERENCE WITH REAL PROPERTY NEGOTIATOR.** Pursuant to Section 54956.9 of the Government Code:
Property:
- APN 043-014-019 (Town owned corporation yard property to be sold to Loomis Union School District)
- APN 044-007-064, 044-008-030 and 044-012-055 (Union Pacific Railroad property beginning at Loomis Station and running southwest toward Sierra College Blvd. and from Webb Street to King Road)
Negotiator: Perry Beck, Town Manager
Under Negotiation: price and term
- b. **CONFERENCE WITH LABOR NEGOTIATOR.** Pursuant to Section 54957.6 of the Government Code:
Agency Negotiator: Perry Beck, Town Manager
Employee Organizations: Maintenance Workers (Operating Engineers Local 39) and Loomis Diversified Employees Group

WEDNESDAY

NOVEMBER 12 , 2008

7:30 P.M.

CALL TO ORDER

Call to order by Mayor Kelley at 7:33 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present:

Mayor Kelley
Councilmember Millward
Councilmember Morillas
Councilmember Scherer
Councilmember Ucovich

STATEMENT OF ACTION TAKEN DURING CLOSED SESSION

- a. No action taken.
b. No action taken.

MATTERS OF INTEREST TO COUNCILMEMBERS/FUTURE AGENDA ITEMS

Councilmember Ucovich would like to discuss, on a future agenda, eliminating the widening of King Road to four lanes.

Mayor Kelley requested an update on the Capital Improvement Projects (reflecting where the funds are coming from and going to specific projects).

All items on the agenda will be open for public comment before final action is taken. Speakers are requested to restrict comments to the item as it appears on the agenda and stay within a five-minute time limit. The Mayor has the discretion of limiting the total discussion time for an item.

Written Material Introduced Into the Record: Citizens wishing to introduce written material into the record at the public hearing on any item are requested to provide a copy of the written material to the Town Clerk prior to the public hearing date so that the material may be distributed to the Town Council prior to the public hearing.

PUBLIC COMMENT: This time is reserved for those in the audience who wish to address the Town Council on subjects that are not on the Agenda. The audience should be aware that the Council may not discuss details or vote on non-agenda items. Your concerns may be referred to staff or placed on the next available agenda. Please **note that comments from the public will also be taken on any item on the agenda. The time allotted to each speaker is five minutes.**

Valerie Rathbone, 4611 Woodgate Court, expounded on the Loomis Basin Holiday Home Tour on December 6th benefitting the local K-8 schools in Loomis and encouraged Council and citizens to come.

ADOPTION OF AGENDA

A motion was made to adopt the Agenda. On motion by Councilmember Morillas, seconded by Councilmember Millward and passed by voice vote.

OPPORTUNITY TO COMMENT ON CONSENT CALENDAR: All items listed under the Consent Agenda are considered by the Council to be routine in nature and will be enacted by one motion unless an audience member or Councilmember requests otherwise, in which case, the item will be removed for separate consideration.

No public comment.

A motion was made to adopt the Consent Agenda, pulling item 8 forward for discussion. On motion by Councilmember Morillas, seconded by Councilmember Millward and passed by voice vote.

CONSENT AGENDA

RECOMMENDED ACTION

- | | |
|--|---|
| 1. Council Minutes – 10/14/08 | <i>APPROVE</i> |
| 2. Monthly Check Register – October | <i>RECEIVE AND FILE</i> |
| 3. Statement of Activity | <i>RECEIVE AND FILE</i> |
| 4. Treasurer's Report | <i>RECEIVE AND FILE</i> |
| 5. Planning Status Report | <i>RECEIVE AND FILE</i> |
| 6. 2008/09 Projects Update | <i>RECEIVE AND FILE</i> |
| 7. The Town/Loomis Fire District Memorandum of Understanding Is being Amended to Clarify Reimbursement Rates And to Indicate That the Town Will Pay Costs if a Wildland Fire Lasts More Than 3 Hours And Authorize Mayor to Sign | <i>APPROVE</i> |
| 9. A Resolution of The Council of The Town of Loomis Replacing the Town's 1989 Ford F250 Flatbed | <i>ADOPT RESOLUTION</i>
Resolution 08-34 |
| 10. Amend Auburn Placer Disposal Refuse Agreement to Confirm Green Waste Program and Extend Term For 10 Years | <i>APPROVE</i> |

11. Accept the Improvements For the Sierra de Montserrat Subdivision and Begin the One Year Maintenance Bond Established by Westwood Homes to Cover Any Improvement Problems

APPROVE

CONSENT ITEMS FORWARDED

8. A Resolution of The Council of The Town of Loomis Awarding To Low Bidder, Altec Industries and Authorizing Town Manager To Execute an Agreement Acceptable to The Town For The Fleet Modernization Program in The Amount of \$84,133.34

ADOPT RESOLUTION

Councilmember Ucovich asked why the Town needs a boom truck.

Brian Frাগiao, Town Engineer/Public Works Director pointed out the following:

- they will be using the boom truck throughout the year for trimming trees, replacing lights, putting up and taking down banners, and maintaining the Town signals
- this will cost the Town \$6,600

No public comment.

Following further discussion on the matter, a motion was made to adopt Resolution 08-33, awarding to low bidder, Altec Industries and authorizing Town Manager to execute an agreement acceptable to the Town for the Fleet Modernization Program in the amount of \$84,133.34. On motion by Councilmember Scherer, seconded by Councilmember Ucovich and passed by voice vote.

PUBLIC HEARING

12. **Appeal of Fletcher Variance at 3866 Circle Drive**

An appeal of the Planning Commission's approval of Fletcher Variance at 3866 Circle Drive for a 15 ft. 6 inch tall shop/garage

Recommended action: Decide whether council wishes to affirm the Planning Commission's decision approving the variance or schedule an appeal hearing for December 11, 2008 that may include a workshop if Council so decides

Public comment:

Councilmember Millward left the room, due to conflict of interest.

Patsy Fletcher, 3866 Circle Drive, stated the following:

- they don't want any issues with their neighbors
- they would consider lowering the garage if that is the only issue

Following further discussion on the matter, a motion was made to schedule an appeal hearing. On motion by Councilmember Ucovich, seconded by Councilmember Scherer and failed by the following roll call vote:

Ayes: Scherer, Ucovich

Noes: Kelley, Morillas

Dave Larsen, Town Attorney, stated the following:

- three votes were required to schedule an appeal hearing, it failed, the appeal is denied
- so the variance is granted

Jack Speck, 3876 South Holly Street, stated the following:

- he lives behind the Fletchers
- there is a drainage problem

Brian Frাগiao noted that he talked with Mr. Speck about the following:

- the Fletcher's could put a pressure treated board down below the fence line, to prevent any water run-off towards Mr. Speck's property
- the main concern was that the side under the oak tree would not be touched, he is getting access from the east side of the building
- the west and the north side of the building can stay natural, so they won't disrupt any existing drainage in those areas

Kathy Kerdus, Planning Directed, stated that a Stop Work Order was put on the Fletcher's building permit and before they lift the Stop Work Order they can speak with the Fletcher's about their drainage.

Mrs. Fletcher said they would be happy to put a board below the fence line.

Mr. Speck said that he was okay with that.

Councilmember Millward returned to the table.

13. **#06-10 Homewood Lumber Relocation Project**

The Homewood Lumber project requires a development agreement in order to establish the methods that will be used to deal with tree mitigation, development fees and certain road improvements

Recommended action: The following are alternatives for Council consideration:

1. Because of new information concerning the property that would be valued to offset certain development expenses and then deeded to the Town, refer the matter back to the Planning Commission for recommendation;
2. Because of the significance of this type of agreement defer deciding this matter until the new Council convenes in December;
3. Approve development agreement as written or as modified by the Council and hold first reading of the ordinance.

Public comment:

Perry Beck, Town Manager, expounded on the staff report and stated the following:

- a letter was received from the City of Rocklin this afternoon
- Rocklin is objecting to the approval of the Development Agreement
- their concerns are related to the modifications to the project's conditions of approval through a proposed Development Agreement
- with the information submitted by Rocklin today it would be prudent to defer this item and allow staff to research the CEQA Issues

Janet Thew, 5572 St. Francis Circle, stated the following:

- the planting, the care, monitoring of the trees is a financial burden on the Town
- suggested planting 500 trees along the railroad property and putting the rest of the money in a special fund to care for the trees for five years
- more creative options should be considered

Gary Liss, 4395 Gold Trail Way, stated the following:

- in the letter he submitted this morning he pointed out that there were outstanding issues that needed to be addressed before adoption of the Development Agreement
- Homewood should be responsible for providing the trees, planting them, maintaining and monitoring them or arrange for that to be done
- suggested an arborist approves the quality of the trees and approve the professionals that maintain and monitor them
- the light and noise complaints should be addressed through the Town's code enforcement process
- the Town should detail what the actual fair market value of the land is
- the improvements along Sierra College Boulevard and Taylor Road should forego the standard road edge improvements of curb and gutter By the open space area, in order to retain the rural feel of Loomis

Ken Menzies, 145 Duncan Hill and Town arborist, expounded on the following:

- a pathway lined with about 500 trees on both sides along the railroad tracks from King Road to High Hand Nursery would be a nice place for the trees
- planting a tree in the ground, with irrigation per tree, will usually cost around three times the wholesale cost of a tree
- if the trees are going to be provided to the Town then it will be a cost to the Town just to take care of them
- there is still maintenance for the next 3 to 5 years, approximately a \$200,000 obligation
- he is concerned about someone else growing trees, when that is not their business
- Caltrans has a Highway Beautification fund
- Home Depot is offering a100 trees per school

Robin Evans, from the Sacramento Tree Foundation, stated the following:

- agreed with Mr. Menzies that the trees are the cheapest component
- if trees are not cared for when they are young they will be even more of a greater cost later on
- she suggested going with a lower number of trees to have a higher rate of survival

Jean Wilson, 4301 Barton Road, stated the following:

- regarding Mr. Liss's recommendation 4 (Road Improvements), she suggested adding "forego, at this time, the standard road edge improvements of curb and gutter," because we might need to change it later
- she hasn't heard any new significant information on the Homewood Project that this would need to come back to the Planning Commission for
- regarding the value of the open space property: in Councilmember Scherer's previous presentation he gave a good case on how wetlands does have a significant value and suggested taking this into consideration
- urged Council to work out the details and to move this along as quickly as possible

Hazel Hine, Barker Road, stated the following:

- she has been an avid gardener for over 50 years and had commercial gardens for years
- the costs to plant and maintain should not be so high
- she just planted 47 trees on her property and suggested having a tree planting day
- planting the trees along the railroad track would probably be part of the future parking lot that was already planned
- the irrigation on the multi-modal site could be continued to water the new trees
- she supports the Homewood Lumber relocation project

Councilmember Ucovich stated the following:

- he disagrees with the value of the open space property, it should be appraised
- he would like to see it specified that a certain number of oak trees are planted
- if we expect Rocklin to listen to our demands then we should listen to theirs and suggested continuing this item to another meeting
- suggested sending the Town Manager and the Town Attorney to Rocklin for a meeting

Councilmember Morillas stated the following:

- she has no problem having first reading tonight
- if changes need to be made it can be done before the second reading
- agreed with the suggestion to have a meeting with Rocklin and Town staff

Councilmember Millward stated the following:

- we should be able to have first reading tonight
- we can work with Rocklin before the second reading

Councilmember Scherer stated the following:

- we need to take a response from Rocklin serious and do it in the same manner we expect them to do with us
- we could change the dynamics of our relationship and avoid further difficulties by meeting with them within the next 30 days

Perry Beck pointed out the following:

- the Town has special legal counsel, Don Mooney, for CEQA issues effecting Loomis from outside agencies
- he would like to confer with Don Mooney regarding the letter received this afternoon
- suggested recommendation 2: because of the significance of this type of agreement, defer deciding this matter until the new Council convenes in December
- it may take several weeks to work through this letter and the details for the tree mitigation

Dave Larsen, Town Attorney, stated the following:

- staff hasn't had time to look at the letter from Rocklin in great detail
- if Council would like to have a second reading in December then we could adjourn this meeting to another week to give us time for comment

Hamid Noorani, owner of Homewood Lumber, stated the following:

- he received a courtesy call from Carlos Urrutia, Rocklin City manager, to inform him that they were objecting to the Negative Declaration and the process
- Rocklin is miffed about the lawsuits against them
- since August they have met every month to try and come to deal points with Council where we can produce a development agreement
- Council is still debating the tree issues and if it is re-opened today then this will be a whole new process, if the Council keeps changing it there will be no end to it
- we were at a standstill in February, and in August we were invited to come back to re-consider
- when he was called by Rocklin they reminded him that Rocklin does not have any requirement for a company like Homewood to pay any money for tree mitigation
- he was also reminded there was some very good sites available in Rocklin

Following further discussion on the matter, a motion was made to continue this item to an Adjourned Regular Meeting on November 18, at 6:00 p.m. at Loomis Town Hall, 6140 Horseshoe Bar Road, Suite K, Loomis, CA, and directed the Town Manager and Planning Director to meet with Rocklin. On motion by Councilmember Morillas, seconded by Councilmember Ucovich and passed by the following roll call vote:

Ayes: Kelley, Morillas, Scherer, Ucovich

Noes: Millward

Recess at 10:00 p.m. to 10:12 p.m.

14. Heritage Park Subdivision Reversion to Acreage

The Heritage Park Subdivision has been purchased by a new entity that desires to work with the Town so Council is asked to defer considering a reversion to acreage process as allowed by law

Recommended action: Table reversion to acreage processing in order to give Sycamore Homes an opportunity to present a plan to answer Town concerns

Public comment:

Councilmember Millward left the table, due to conflict of interest.

Dana Eagen, 4041 Pauline Circle, stated the following:

- he is glad that the developer wants to work with the Council
- he would like this project to reflect the values of the community
- he doesn't want a cookie cutter development
- we have an opportunity to set the standard for the quality of what comes in to the Town of Loomis

Following further discussion on the matter, a motion was made to table the reversion to acreage at this time to be brought back at the February meeting. On motion by Councilmember Ucovich, seconded by Councilmember Scherer and passed by voice vote.

Councilmember Millward returned to the table.

BUSINESS

15. Five Cities Girls Softball

Lincoln Leaman asks to address the Council concerning bathrooms at the King Road park for the Five Cities Girls Fastpitch Softball organization

Recommended action: Hear presentation and give staff direction

Public comment:

Lincoln Leaman, representing Five Cities Girls Softball, stated the following:

- over the years their organization have volunteered their time to build the backstops, snack shack, and improving the fields
- the girls that play on the League live in the Loomis Basin and almost all of the girls are in the Loomis School District and a lot of them go on to play at Del Oro High School
- urged Council to participate in the installation of the girls bathroom facility

Steve Clark, lives in Granite Bay and on the Five Cities Board, stated the following:

- he has children that go to Del Oro High School
- our parks help define our community
- the boys have bathrooms across the street and the girls have outhouses
- encouraged Council to help with the bathrooms

Jean Wilson stated the following:

- only 20% of the girls are Loomis residents
- they don't pay taxes
- asked Council to think carefully on this

Gary Liss suggested referring this to the Park and Open Space Commission to address what type of facilities are needed.

Francis Scherer, 3679 Frost Lane, stated the following:

- there may be only 20% of the girls this year but there may be more next year
- this is a worthwhile project for Loomis to contribute to

Janet Thew stated the following:

- Loomis money should stay in Loomis
- suggested the boys switch bathrooms with the girls

Rob Watilo, Newcastle, stated the following:

- they are only asking for a portion of the funding
- forty years is a long time to have an out-house

Following further discussion on the matter, a motion was made to refer this item to the Park and Open Space Commission for their recommendation. On motion by Councilmember Ucovich, seconded by Councilmember Morillas and passed by voice vote.

16. Town Hall Occupancy at 3665 Taylor Road

TC 10/14/08

The new Town Hall facility (former SPMUD building) will require a closer review and more involved repair and clean up to become a useful Town Hall building

Recommended action: Authorize staff to contract architect services, in a form acceptable to the Town Attorney, with Moniz Architecture to evaluate the new Town Hall facility and design a conceptual remodel plan

Public comment:

Alicia Moniz, Moniz Architecture, expounded on their proposal and answered questions.

No public comment.

Following further discussion on the matter, a motion was made to authorize staff to contract with Moniz Architecture, not to exceed \$12,000, and to meet with the council to review the concepts. On motion by Councilmember Ucovich, seconded by Councilmember Scherer and passed by voice vote.

17. Christmas Festivity and Depot Dedication

Confirm planning for the Christmas holiday festivity that includes a dedication of the Depot building

Recommended action: Make changes to attached schedule as Council wishes and

determine whether solid or multi-colored lights should be strung on the depot

Public comment:

No public comment.

Councilmember Ucovich stated that the train will be tentatively stopping at 6:10 p.m. in Loomis and asked the Mayor to note that on the agenda for the Christmas festivity.

Mayor Kelley expounded on the agenda, refreshments, and the lighting for the Christmas festivity, and answered questions.

A motion was made to have color lights on the tree and white lights on the building. On motion by Councilmember Morillas, seconded by Councilmember Ucovich and passed by voice vote, with Councilmember Scherer voting no.

18. **Select Rocklin Development Projects Update** (Continued from October 14, 2008) TC 7/8/08

The City of Rocklin has a number of development projects moving along in the area along Sierra College Boulevard and on Del Mar Avenue that could impact Loomis Residents, Roads, and the general quality of the Loomis community.

Recommended action: Review development information and direct the Council sub-committee (Mayor Kelley and Vice Mayor Scherer) that has met once with Rocklin, as to any actions the Council would like the Committee and/or Special Legal Counsel and staff to take.

Public comment:

No public comment.

Received and filed.

COMMITTEE REPORTS

- 19. Placer County Economic Development Commission – Ucovich
- 20. Placer County Flood Control/Water Conservation District – Morillas
- 21. Placer County Transportation Planning Agency – Kelley/Millward
- 22. Placer County Mosquito Abatement – Ucovich
- 23. Placer County Air Pollution Control District – Millward/Ucovich
- 24. Placer County Community Services Commission - Millward
- 25. Sacramento Area Council of Governments – Scherer/Kelley
- 26. Placer Land Trust ex-officio representative - Scherer

ADJOURNMENT

A motion was made to adjourn at 11:15 p.m. to an Adjourned Regular meeting on November 18, 2008 at 6:00 p.m. at Loomis Town Hall, 6140 Horseshoe Bar Road, Suite K, Loomis, CA On motion by Councilmember Morillas, seconded by Councilmember Millward and passed by voice vote.

/Russ Kelley/
Mayor

/Crickett Strock/
Town Clerk